



CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2004 AGENDA

SUBJECT	
School Bus and School Pupil Activity Bus Lap/Shoulder Belt Regulation: Adopt Proposed Title 5 Regulation	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

RECOMMENDATION

Consider comments received during the public comment period and at the public hearing and take action to adopt the regulation.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In July 2004, the State Board of Education (SBE) approved the Initial Statement of Reasons, Notice of Proposed Rulemaking, and the Commencement of the Rulemaking Process for School Bus and School Pupil Activity Bus/Lap Shoulder Belt Regulation.

SUMMARY OF KEY ISSUES

Title 5 *CCR*, Division 1, Chapter 13 contains regulations on the Use of School Buses and School Pupil Activity Buses. The proposed regulatory action adds Title 5 *CCR*, Section 14105 as required in *Education Code* sections 38047.5 and 38047.6.

The purpose of this regulation is to reduce injuries and fatalities in school buses on the streets, roads, and highways of California by requiring, in accordance with *Education Code* sections 38047.5 and 38047.6, all passengers to wear lap/shoulder safety belts meeting applicable Federal Motor Vehicle Safety Standards while riding in school buses.

The proposed regulation will establish the required instruction on the use of passenger restraint systems including, but not limited to, the proper fastening and release, acceptable placement on pupils, times at which the systems should be fastened and released, and acceptable placement of the systems when not in use. California *Vehicle Code* Section 27316 requires all Type 1 school buses manufactured on or after July 1, 2005 and all Type 2 school buses manufactured on or after July 1, 2004, which are purchased or leased for use in California to be equipped at all designated seating positions with a combination pelvic and upper torso passenger restraint system.

SUMMARY OF KEY ISSUES

The provisions do not apply to passengers with a physically disabling condition or medical condition which would prevent appropriate restraint in a passenger restraint system, if the condition is duly certified by a licensed physician or licensed chiropractor who shall state in writing the nature of the condition, as well as the reason the restraint is inappropriate.

The provisions do not apply in case of any emergency that may provide, where necessary, for the loading of schoolchildren on a school bus or school pupil activity bus in excess of the limits of its seating capacity.

FISCAL ANALYSIS (AS APPROPRIATE)

The Economic and Fiscal Impact Analysis completed by the Fiscal and Administrative Services Division pertaining to the regulation indicates that adoption of the regulation does not impose a local cost mandate or costs upon the state. The regulation does not impact business or individuals. The analysis was included in information submitted to the State Board for the agenda item on the proposed regulation at the July 2004 State Board meeting.

ATTACHMENT(S)

Attachment 1: Proposed Regulation: School Bus and School Pupil Activity. . . (2 pages)

A Last Minute Memorandum will be provided that will include a summary of the comments received during the Public comment period and at the public hearing.

TITLE 5. Education

Division 1. State Department of Education

Chapter 13. School Facilities and Equipment

Subchapter 2. Use of School Buses and School Pupil Activity Buses

Article 1. General Provisions

Add Section 14105 to read:

§ 14105. School Bus and School Pupil Activity Bus (SPAB) Passenger Restraint System Use.

All passengers in a school bus or in a school pupil activity bus that are equipped with passenger restraint systems in accordance with Sections 27316 and 27316.5 of the Vehicle Code, shall use the passenger restraint system. All pupils described in subdivision (a) of Education Code Section 39831.5, shall be instructed in an age-appropriate manner in the use of passenger restraint systems required by Education Code Section 39831.5 (a) (3). The instruction shall include, but not be limited to, the following information:

(a) Proper fastening and release of the passenger restraint system:

(1) Fastening: To fasten, insert the latch plate (the metal “tongue” attached to one side of the webbing) into the proper buckle (the receptacle that comes out from the “bight” in the back of the seat, a slot in the seat cushion, or from the side). The latch plate inserts into the buckle until you hear an audible snap sound and feel it latch. Make sure the latch plate is securely fastened in the buckle.

(2) Unfastening: To unfasten, push the buckle release button and remove the latch plate from the buckle. The buckle has a release mechanism that, when manually operated during “unbuckling”, breaks the bond and separates the two sections.

(b) Acceptable placement of passenger restraint systems on pupils:

Adjust the lap belt to fit low and tight across the hips/pelvis, not the stomach area. Place the shoulder belt snug across the chest, away from the neck. Never place the shoulder belt behind the back or under the arm. Position the shoulder belt height adjuster so that the belt rests across the middle of the shoulder. Failure to adjust the shoulder belt properly would reduce the effectiveness of the

1 lap/shoulder belt system and increase the risk of injury in a collision.

2 (c) Times at which the passenger restraint systems should be fastened
3 and released: Passenger restraint systems shall be used at all times the school
4 bus or school pupil activity bus is in motion except when exempted in subdivisions
5 (e) and (f) of this section.

6 (d) Acceptable placement of the passenger restraint systems when not in
7 use: When not in use, passenger restraint systems shall be fully retracted into the
8 retractors so that no loose webbing is visible, or stored in a safe manner per the
9 school bus manufacturer's instructions.

10 (e) This section does not apply to a passenger with a physically disabling
11 condition or medical condition which would prevent appropriate restraint in a
12 passenger restraint system, providing that the condition is duly certified by a
13 licensed physician or licensed chiropractor who shall state in writing the nature of
14 the condition, as well as the reason the restraint is inappropriate.

15 (f) This section also does not apply in case of any emergency that may
16 necessitate the loading of school children on a school bus in excess of the limits
17 of its seating capacity. As used in this section, "emergency" means a natural
18 disaster or hazard (as determined by the school district superintendent or their
19 designee) that requires pupils to be moved immediately in order to ensure their
20 safety.

21 NOTE: Authority cited: Sections 33031, 38047.5, 38047.6, and 39831,
22 Education Code. Reference: Sections 38047.5, 38047.6, 39830, 39830.1, and
23 39831.5, Education Code; Sections 27316 and 27316.5, Vehicle Code.

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